

REMARKS/ARGUMENTS

The above-identified patent application has been amended and re-consideration and re-examination are hereby requested.

With regard to the claim of priority, the parenthetical phrase "(continuation, divisional, or continuation-in- part)" is not used in either 35 USC 120 or 37 CFR. In any event, this patent application contains a different Summary section than the prior applications, in order to be consistent with the subject matter claimed in this application; however, the Detailed Description section is the same as that used in the prior applications. Thus, if applicant had to choose one of the options indicated in the parenthetical phrase "(continuation, divisional, or continuation-in- part)", applicant would choose that this application is a divisional application of such prior applications and the specification as been amended accordingly. In any event, it is clear that applicant intended to claim the priority date of the prior applications within the four-month time period referred to in 37 CFR.

Further, it is not understood why a new oath is required. The requirements for an oath are set forth in 35 USC and 37CFR, noted below:

35 U. S. C. 115

The applicant shall make oath that he believes himself to be the original and first inventor of the process, machine, manufacture, or composition of matter, or improvement thereof, for which he solicits a patent; and shall state of what country he is a citizen.

37 CFR 1.63 Oath or declaration.

(a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:

- (1) Be executed, *i.e.*, signed, in accordance with either § **1.66** or § **1.68**. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, *i.e.*, understand the document that the person is signing;
 - (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;
 - (3) Identify the country of citizenship of each inventor; and
 - (4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
- (b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:
- (1) Identify the application to which it is directed;
 - (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
 - (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § **1.56**.
- (c) Unless such information is supplied on an application data sheet in accordance with § **1.76**, the oath or declaration must also identify:
- (1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor; and
 - (2) Any foreign application for patent (or inventor's certificate) for which a claim for priority is made pursuant to § **1.55**, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing.
- (d)
- (1) A newly executed oath or declaration is not required under § **1.51(b)(2)** and § **1.53(f)** in a continuation or divisional application, provided that:
 - (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
 - (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
 - (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
 - (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
 - (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under **§1.47**, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord **§1.47** status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under **§1.47** of which the continuation or divisional application claims a benefit under **35 U.S.C. 120, 121, or 365(c)**; and

(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under **35 U.S.C. 120, 121, or 365(c)**, a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

(4) Where the power of attorney (or authorization of agent) or correspondence address was changed during the prosecution of the prior application, the change in power of attorney (or authorization of agent) or correspondence address must be identified in the continuation or divisional application. Otherwise, the Office may not recognize in the continuation or divisional application the change of power of attorney (or authorization of agent) or correspondence address during the prosecution of the prior application.

(5) A newly executed oath or declaration must be filed in a continuation or divisional application naming an inventor not named in the prior application.

(e) A newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.

Therefore, no additional oath or declaration is required.

The priority paragraph has been amended to update the status of appropriate priority applications.

The specification has been amended to correct page 12. A copy of a proposed drawing change to FIG. 5 is attached. Approval is hereby requested.

The claims have been amended to correct various objections raised by the Examiner. It is noted that the objections to claims 9, 11 and 13 in paragraph 5.2 is not understood. These claims appear correct. Reconsideration is requested

The claims stand rejected under 35 USC 103, as being unpatentable over Richter in

view of Cloonan.

Referring to claim 1, such claim points out that there is a pair of controller sections, one of such sections being a primary section and the other one of the sections being a secondary section, both such sections being configured to implement identical control logic in controlling the transfer of such data *between a first port connected to the pair of controller sections* and a write data port. Thus, the claim points out that there is a first port connected to a pair of controller sections. Richter does not describe *a first port connected to the pair of controller sections, as claimed*. The claim further points out that the address/control portion at the first port is processed by the control logic of the primary section and the address/control portion at the first port is processed by the control logic of the secondary section. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 3 points out that there are a pair of controller sections, both such sections being configured to implement identical control logic in controlling the transfer of such data *between a first port connected to the pair of controller sections*. Richter does not describe a pair of controller sections. The claim further points out that the address/control portion at the first port is processed by the control logic of the primary section and the address/control portion at the first port is processed by the control logic of the secondary section. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 5 points out that there is a pair of controller sections, the address/control portion at the first port being processed by the control logic of the primary section and the address/control portion at the first port being processed by the control logic of the secondary section. The claim further points out that there is a checker producing a no-operation (NOOP) command to the memory if a digital word generated the address/control portion processed by the primary section and a digital word generated by the address/control portion

processed by the secondary section are different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 7 points out that there is a pair of controller sections, *first port connected to the pair of control sections.* The claim also points out that there is a checker for producing a no-operation (NOOP) command to the memory if a parity bit generated by a parity generator in the primary section from the address/control portion processed by the primary section and a parity bit generated by a parity generator of the secondary section from the address/control portion processed by the secondary section are different, or if a digital word generated by the primary section from the address/control portion processed by the primary section and a digital word generated by the secondary section from the address/control portion processed by the secondary section are different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 9 points out that there is a pair of controller sections, *both such sections being connected to a first port.* The claim also points out that each one of the sections, comprises: a first parity generator coupled to the first port for generating a parity bit for an address/control digital word, such digital word comprising the address/control portion associated with the data at such first port; (B) a checker, comprising: a second parity generator for generating a parity bit from the digital word and for passing there-through to an address/control port either: the parity bit generated by the second parity generator or, an inverted parity bit of the parity bit generated by the second parity bit generator, selectively in accordance with: whether the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are the same, or different, or if the digital word generated by the primary section and the digital word generated by the secondary section are the same or different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 10 points out that the memory in the system recited in claim 9 memory is configured to inhibit storage of data at the data port in the memory if either: the inverted parity bit of the inverter is passed through a selector to the address/control port because either the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are different; or the digital word generated by the primary section and the digital word generated by the secondary section are different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 11 points out that a controller has a pair of controller sections, **both such sections being connected to the first port**. The claim then points out that each one of the sections, comprises: a first parity generator coupled to the first port for generating a parity bit for an address/control digital word, such digital word comprising the address/control portion associated with the data at such first port. The claim includes a checker, comprising: a second parity generator for generating a parity bit from the digital word and for passing therethrough to an address/control port either: the parity bit generated by the second parity checker; or, the inverted parity bit of an inverter, selectively in accordance with: whether the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are the same, or different, or if the digital word generated by the primary section and the digital word generated by the secondary section are the same or different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 12 points out that the memory of claim 11 is configured to inhibit storage of data at the data port in the memory if either: the inverted parity bit of the inverter is passed through a selector to the address/control port because either the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are different; or the digital word generated by the primary

section and the digital word generated by the secondary section are different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 13 points out that there is a pair of controller sections, **both such sections being connected to the first port.** The claim also points out that, each one of the sections, comprises: a first parity generator coupled to the first port for generating a parity bit for an address/control digital word, such digital word comprising the address/control portion associated with the data at such first port. The claim also points out that there is a checker, comprising: (a) a second parity generator for generating a parity bit for the address/control digital word generated by the primary section; (b) an inverter for inverting the parity bit generated by the second parity bit generator; (c) a selector for passing there-through to the address/control port either: the parity bit generated by the second parity checker; or, an inverted parity bit of the inverter, selectively in accordance with: whether the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are the same, or different, or if the digital word generated by the primary section and the digital word generated by the secondary section are the same or different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Claim 14 points out that the memory of claim 13 is configured to inhibit storage of data at the data port in the memory if either: the inverted parity bit of the inverter is passed through a selector to the address/control port because either the parity bit generated by the first parity generator in the primary section and the parity bit generated by the first parity generator of the secondary section are different; or the digital word generated by the primary section and the digital word generated by the first secondary section are different. Such is not shown in Richter or Cloonan taken either singly or in combination.

Finally, there is nothing **in the art**, which suggests the claimed subject matter. In

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order to establish a *prima facie* case of obvious, the combination claimed by the applicant must be suggested in the prior art itself. That is, the prior art must suggest or recognize or provide some motivation for the claimed combination. The Examiner has not pointed to anything in the prior art that suggests, recognizes or provides some motivation to provide the claimed subject matter. Thus, it is respectfully submitted that the Examiner has not set forth a *prima facie* case of obviousness against any of the claims. Rather, the Examiner seems to reach conclusion of obvious from facts not in, nor supported by, the record (i.e., the teachings found in the cited references themselves).

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 50-0845.

Respectfully submitted,

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Date


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Attachments: Annotated Drawing Sheet Showing Proposed Drawing Change

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